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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

Case No. 2:19-CR-198 JCM (EJY)

8 Plaintiff(s),

ORDER

9 v.

10 JESUS ERNESTO REYES GARCIA,

11 Defendant(s).

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13 Presently before the court is the government's motion to continue hearing or, in the
14 alternative, for the court to make necessary findings under the CARES Act. (ECF No. 41).

15 In response to the COVID-19 pandemic, Congress passed and the President signed the
16 CARES Act, H.R. 748, Pub. Law No. 116-136, which allows district courts to conduct criminal
17 matters by video conference, the contravening Rules of Criminal Procedure notwithstanding.
18 However, video conference hearings are permitted only when the district court finds "for specific
19 reasons that the plea or sentencing in that case cannot be further delayed without serious harm to
20 the interests of justice." *See* CARES Act § 15002(b)(2)(A).

21 Here, Jesus Ernesto Reyes-Garcia ("defendant") was arrested in the instant case on July
22 18, 2019. (ECF No. 5). On January 8, 2020, pleaded guilty to one count of computer fraud.
23 (ECF No. 34). Due to the instant felony charge, defendant may be incarcerated for at least a
24 year.

25 Under the First Step Act, it appears that defendant is ineligible to receive good-time
26 credits against any term of incarceration that this court imposes. 18 U.S.C.
27 § 3632(d)(4)(D)(xxiii). Accordingly, if sentenced to a term of only one year's incarceration,
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1 defendant would be incarcerated until at least July 2020. Thus, the court finds no reason the
2 interests of justice would be seriously harmed by continuing defendant's sentencing hearing.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the government's motion
5 to continue hearing (ECF No. 41) be, and the same hereby is, GRANTED.

6 IT IS FURTHER ORDERED that the hearing currently scheduled for April 10, 2020, at
7 12:00 p.m. be, and the same hereby is, CONTINUED to May 29, 2020, at 10:30 a.m. in
8 courtroom 6A.

9 DATED April 8, 2020.

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12 UNITED STATES DISTRICT JUDGE
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